

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3383**, from AG Agricultural to I-1 Industrial, requested by Mark Hunzeker on behalf of Capitol Sports Foundation, on property generally located at the northeast corner of No. 70th Street and Salt Creek, south of Arbor Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/16/02 and 10/30/02
Administrative Action: 10/30/02

STAFF RECOMMENDATION: Approval of a change of zone to **H-2 Highway Business** for the western half of the parcel, with the balance of the parcel remaining zoned AG Agricultural.

RECOMMENDATION: Approval of the staff recommendation of **H-2 Highway Business** for the **W ½ of Lot 48, I.T., in the S ½ of Section 27-11-7, Lancaster County, Nebraska** (6-0: Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser, Duvall and Steward absent).

FINDINGS OF FACT:

1. The staff recommendation to **approve "H-2" Highway Business** zoning for the **"western half of Lot 48, I.T."** (instead of the requested I-1 Industrial for the entire Lot 48, I.T.) is based upon the "Analysis" as set forth on p.4-5, concluding that a change of zone to H-2 would support the designation of an active recreational use.
2. On October 16, 2002, this application was deferred at the request of the applicant to further investigate the staff recommendation.
3. The applicant's testimony at the continued public hearing on October 30, 2002, is found on p.6, indicating that the applicant agrees with the staff recommendation pursuant to letter from Peter Katt dated October 22, 2002 (p.14).
4. There was no testimony in opposition.
5. The Commission discussion with staff is found on p.6-7.
6. On October 30, 2002, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend **approval of H-2 Highway Business** for the **W ½ of Lot 48, I.T., in the S ½ of Section 27-11-7.** (See Minutes, p.7-8).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 12, 2002

REVIEWED BY: _____

DATE: November 12, 2002

REFERENCE NUMBER: FS\CC\2002\CZ.3383

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3383

DATE: October 2, 2002

SCHEDULED PLANNING COMMISSION

October 16, 2002

PROPOSAL: A change of zone from AG Agriculture to I-1 Industrial

LAND AREA: 99.92 Acres, more or less

CONCLUSION: A change of zone to H-2 would support the designation of an active recreational use.

RECOMMENDATION:	Approval to an H-2 zoning over the western ½ of the parcel.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 48 I.T. in the S ½ of Section 27, T 11 N, R 7 E of the 6th P.M., Lancaster County NE.

LOCATION: Generally located at the northeast corner of N. 70th Street and Salt Creek, south of Arbor Road.

APPLICANT: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402) 476-7621

OWNER: Capitol Sports Foundation
7600 No. 70th Street
Lincoln, NE 68517

CONTACT: Mark Hunzeker

EXISTING ZONING: AG Agriculture with a special permit for a recreational facility.

EXISTING LAND USE: Sports Complex and a temporary Lincoln elementary school.

SURROUNDING LAND USE AND ZONING:

North: Ag land, zoned AG Agriculture

South: Northeast treatment plant, zoned P Public and AG Agriculture

East: Agriculture, Zoned AG Agriculture

West: Agriculture and Industrial uses, Zoned I-1 Industrial and AG Agriculture

ASSOCIATED APPLICATIONS: None

HISTORY: Special Permit 1447 - Abbott Sports Complex recreational facility, approved by Planning Commission on November 12, **1992**.

Changed from County AA Rural and Public Use to AG Agriculture in the **1979** Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS:

In the 2025 Comprehensive Plan, this is shown as Green Space to reflect it's use as an active recreation use. The land to the west is shown as Industrial, to the north is Commercial, Industrial and Ag Stream Corridor, to the South is Public/Semi Public and Industrial, to the east is Ag Stream Corridor. This is shown in the Future Service Limit, Priority A and is in the City Limits. This is also adjacent to the Salt Valley Heritage Greenway. A trail is shown on the south side of Salt Creek, south of this application.

The plan states;

Commercial and Industrial Development Strategy

The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide **flexibility** to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of **predictability** as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue. Page F 37/38

General Principles for All Commercial & Industrial Uses

Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas compatible with existing or planned residential uses
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan. Page F 38

Green Space: Areas predominately used for active recreational uses, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While

some isolated environmentally sensitive features may be within these areas, they are predominately for active recreation, with some passive recreation uses also possible Page F 22

Commercial: Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. Page F 22

Greenways and Open Space: Salt Valley Heritage Greenway

The Salt Valley Heritage Greenway is a proposed continuous open space “loop” around Lincoln providing a connection with both the urban and rural communities. The Greenway is envisioned to be comprised of conservation easements and fee simple acquisition of selected sites with unique environmental features or recreational opportunities. It would include parks and open space, trails, both active and resource-based recreation, riparian and stream corridors, floodplains, saline and freshwater wetlands, agricultural land, signature landscapes, wildlife corridors, lakes and streams, abandoned rail lines, and transportation corridors. It could be as narrow as a few hundred feet in some places to as wide as a mile around state recreation areas.

This corridor would include the Crescent Green linear greenway along Salt Creek beginning on the north and then proceeding along Salt Creek on the west, including Wilderness Park. It would proceed south of Wilderness Park along the Salt Creek floodplain connecting with the community of Roca. It would follow the Hickman Branch south of Roca and proceed east connecting with the community of Hickman. From Hickman, the corridor would proceed easterly connecting with Wagon Train Lake tributary to the South Beltway. Following linear open space along the South Beltway east and then north along the East Beltway to the Stevens Creek connection near Walton. The Greenway would follow the Stevens Creek corridor to the north and connect back in with Salt Creek including saline wetlands, Salt Creek Tiger Beetle habitat and the Crescent Green Corridor on the north, forming a continuous open space system. Page F 60

UTILITIES: This area is served by City water and sewer

TOPOGRAPHY: Flat.

TRAFFIC ANALYSIS: 70th Street north to Arbor Road and Arbor Road west to North 56th Street are paved county roads.

PUBLIC SERVICE: This area is served by the Lincoln Public School District #1, the Lincoln Fire District, and is in the Lincoln Electric System service area.

REGIONAL ISSUES: Industrial/commercial zoning, use of floodplain and the preservation of Green Space.

ENVIRONMENTAL CONCERNS: The entire site is in the FEMA 100 year flood plain.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Continued recreation facility in the Ag zoning.

ANALYSIS:

1. This application is to request a change of zone from AG Agriculture to I-1 Industrial, for the existing Abbott Sports complex, which currently operates under a special permit for a recreation facility under the AG District.
2. The sports complex has had a number of events where the Building and Safety Department has advised them that the activity is not accessory to the permitted use.
3. The purpose of the request is to allow a wider opportunity for the Abbott sports complex to offer their facility for rent for various other users as a source of income to pay for the expenses of operating the sport complex by this non profit organization. Suggested uses have included wedding receptions, flea markets, class reunions, and auto and business shows. None of which are accessory uses to the approved recreational facility special permit.
4. City staff and the applicant have been working to find a mutually satisfactory solution. The applicant had previously suggested a text change to expand the list of permitted accessory uses for Recreational Facilities, however, that was not deemed appropriate do to the community wide impacts of such a change.
5. The I-1 district is requested since it would allow both the desired venue opportunities, the recreational use and match existing zoning across the street to the west. However, I-1 does not permit schools and could permit incompatible uses.
6. The Health Department has previously had concerns about allowing school activities in an area where the zoning would permit a potential hazard adjacent to an assembly of children, therefore it is suggested that H-2 Highway Commercial might be a more appropriate district which would allow the requested activities, allows recreational uses and schools by right, and would be more restrictive on the potential negative uses.
7. The Comprehensive Plan shows this parcel as Green Space, defined as areas predominantly used for recreation facilities. The H-2 zoning district allows recreational facilities as a permitted use and thus would not conflict with the Plan.
8. If this change of zone supports the continued sustainability of the sports complex as a recreational use, it will be supporting the Comprehensive Plan.

Prepared by:

Mike DeKalb, AICP
Planner

CHANGE OF ZONE NO. 3383

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 16, 2002

Members present: Steward, Bills-Strand, Krieser, Larson, Carlson, Newman, Taylor, Duvall and Schwinn.

Staff recommendation: Approval of H-2 zoning (instead of I-1) for the western ½ of the parcel.

This application was removed from the Consent Agenda at the request of the applicant and had separate public hearing.

Proponents

1. **Peter Katt** appeared on behalf of the applicant and requested a two-week deferral to give the applicant an opportunity to make sure the remaining half of the parcel is coordinated with this staff recommendation.

Steward moved to defer, with continued public hearing and administrative action scheduled for October 30, 2002, seconded by Carlson and carried 9-0: Steward, Bills-Strand, Krieser, Larson, Carlson, Newman, Taylor, Duvall and Schwinn voting 'yes'.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 30, 2002

Members present: Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn; Krieser, Duvall and Steward absent.

Staff recommendation: Approval of H-2 for the western one-half of the parcel.

Proponents

1. **Bill Blake**, 1045 Lincoln Mall, appeared on behalf of the applicant, indicating that the applicant agrees with the staff recommendation pursuant to the letter from Peter W. Katt dated October 22, 2002.

There was no testimony in opposition.

Carlson indicated that he is still somewhat confused. He believes the letter which accompanied the original application is seeking to make it possible to have wedding receptions, auto shows, etc. Why do we need 50 acres of H-2 to accommodate these uses? Blake is not sure how the line was decided for splitting the zoning. There are other requirements, such as spacing and parking, that go into it and they wanted to make sure there was enough of the H-2 zoning to accomplish that. Carlson assumed the solution would be to rezone the building where the activities are desired to be conducted.

Mike DeKalb of Planning staff referred to the aerial photo. There is a very land extensive layout as far as the soccer fields. We are trying to address multiple concerns. They have a variety of uses at this site. LPS is to the east of the buildings. There is a driveway right through the middle. You cannot cross AG land with a commercial use. The applicant also anticipates some extensive uses or outdoor activities such as flea markets in the parking lot. The west half appeared to be an easy split of the lot other than to try to wrap it around the buildings.

DeKalb further explained that the discussion that got us here was about uses that were being conducted that are not allowed as accessory uses to a special permit for recreational use in the AG district. The applicant chose to do the zone change rather than a text amendment. The applicant had asked for I-1 zoning, intending to reduce the size to meet their needs. Staff believes that this can be accomplished with the H-2 zoning. H-2 is a preferable district because it includes outdoor recreational facilities, indoor recreational facilities and both public and private schools. It appeared that the H-2 would allow all the uses the applicant was talking about but restricts industrial type uses. It was a compromise.

But, Carlson pointed out that H-2 is not a use permit zone. If the soccer field is moved, you've got a big H-2. DeKalb advised that the H-2 zoning does have a special permit for commercial uses over 20,000 sq. ft. The current Comprehensive Plan shows this area as green space and industrial uses to the north and to the west. The Northeast Treatment Plant is to the south. With no soccer field, the Comprehensive Plan designation would have likely been industrial or commercial.

Carlson is not unsympathetic to the uses. It seems like a nice use. He just wants to make sure we're "not killing an ant with a steamroller".

Newman noted that the Health Department is requesting a statement in writing from the applicant that specific uses will not be allowed but apparently this cannot be made a requirement in the H-2 zoning. DeKalb suggested that the H-2 is a straight zoning district. He believes that any tenants would make protections within their lease agreement.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 30, 2002

Bills-Strand moved approval of the staff recommendation for H-2 zoning on the western half of the parcel, seconded by Schwinn.

Carlson trusts that staff would have found a different solution if there was one.

Larson is also confused. We're doing some pretty heavy rezoning for a small issue but apparently there is no other way.

Schwinn agrees that this seems to work out the best and because the Comprehensive Plan shows this area as industrial and with the Northeast Treatment Plant right next door, this would appear to be the appropriate zoning no matter what happens. If it was a blank slate, he believes this is what the Commission would do anyway.

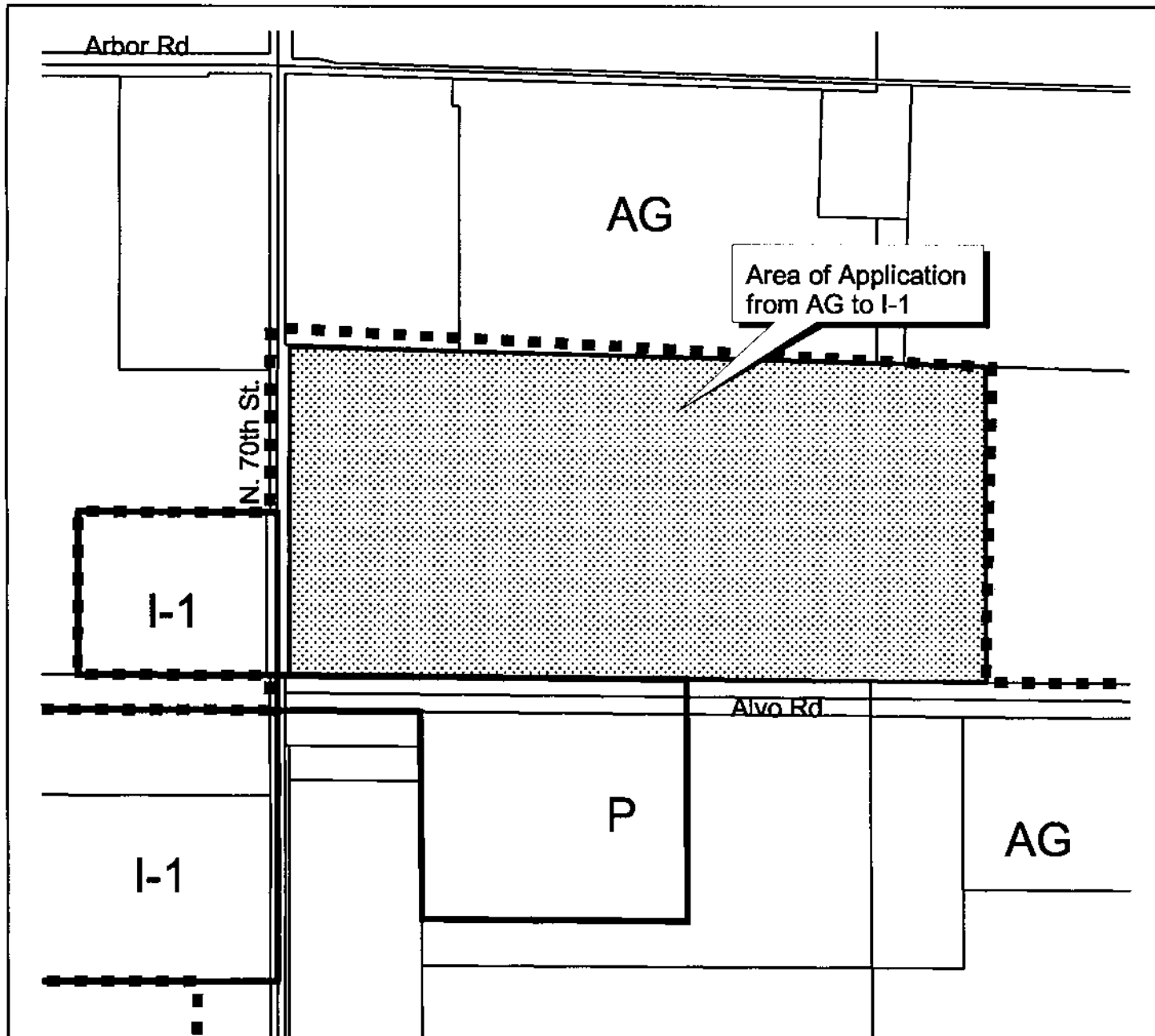
Motion to approve the staff recommendation for H-2 zoning on the western half of the parcel carried 6-0: Larson, Carlson, Newman, Bills-Strand, Taylor and Schwinn voting 'yes'; Krieser, Steward and Duvall absent.



**Change of Zone #3383
N. 70th & Alvo Rd.**



009

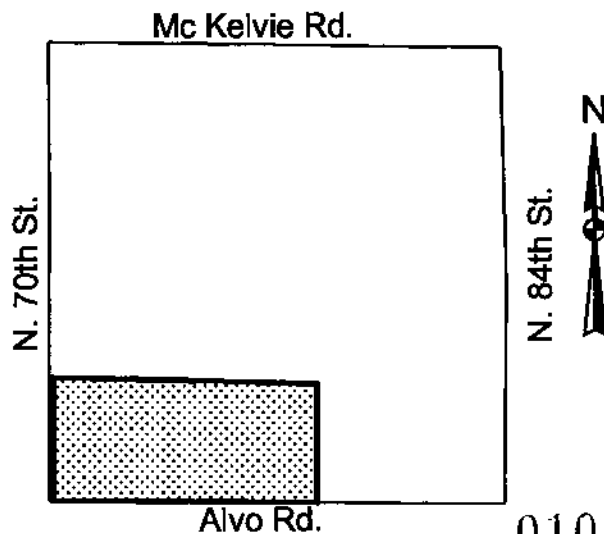
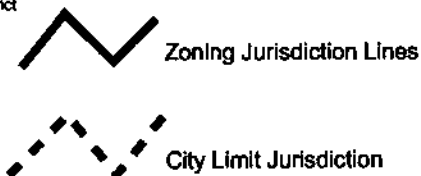


Change of Zone #3383 N. 70th & Alvo Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 27 T11N R7E



010

PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT

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September 19, 2002

VIA HAND DELIVERY

Mike DeKalb
Planning Department
555 S. 10th Street
Lincoln, NE 68508

Re: Abbott Sports Complex

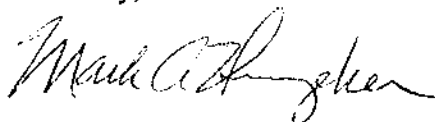
Dear Mike:

Enclosed is a change of zone application from AG to I-1 as we discussed in our meeting on Tuesday. Please credit the refund of our prior administrative amendment request to the price of the change of zone application.

We will likely reduce the scope of the change of zone at or prior to the public hearing, when we have more detailed engineering information available as to the dimensions we need to have rezoned.

Thank you for your cooperation.

Sincerely,



Mark A. Hunzeker
For the Firm

MAH:la
Enclosure

*P.S. The prior administrative amendment request
is hereby withdrawn (#02063).*

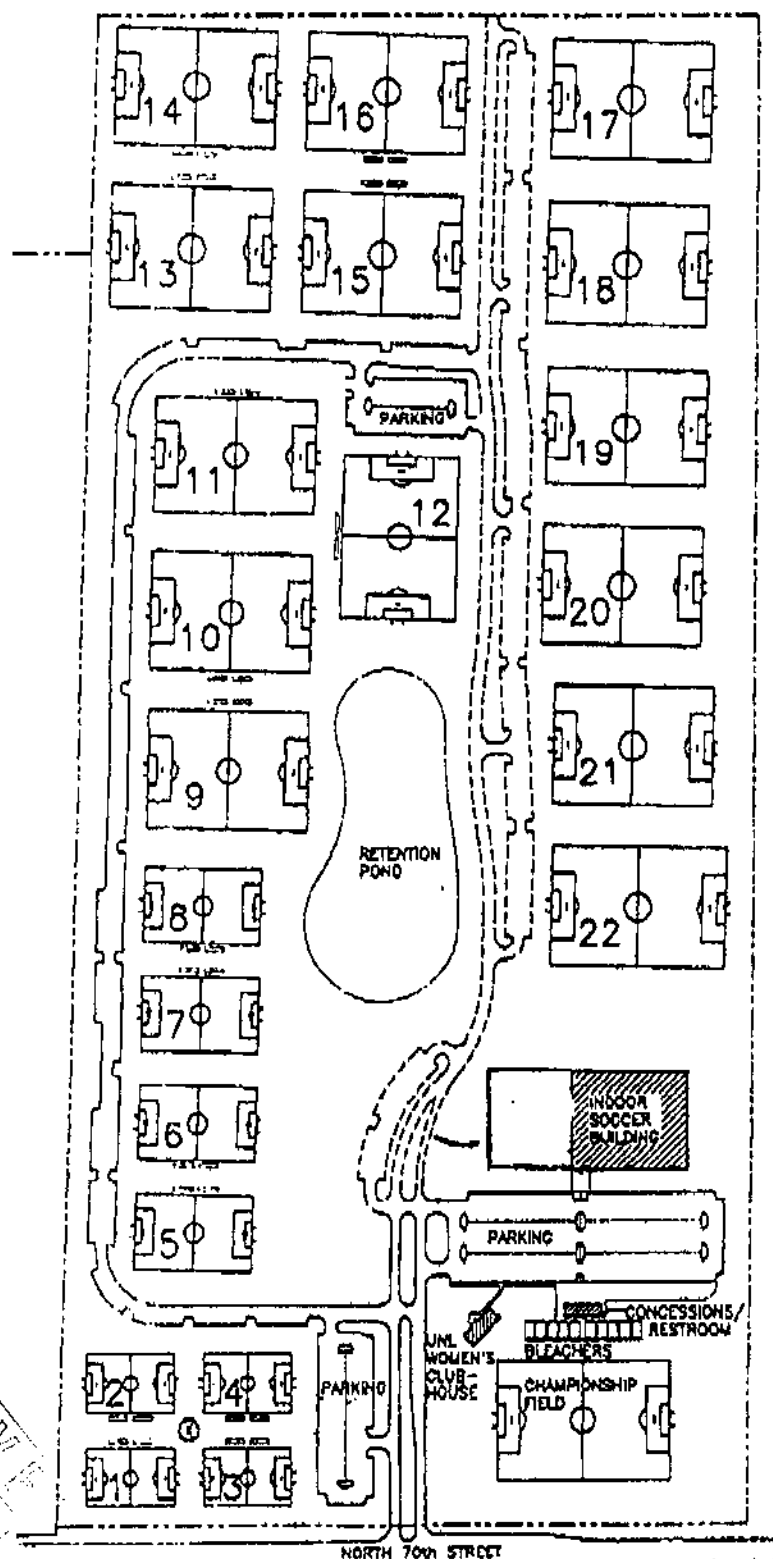
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SEP 19 2002

LINCOLN CITY/LANCASTER
PLANNING DEPARTMENT

011

Ethel S. Abbott Sports Complex, 7600 North 70th Lincoln, NE 68517



FIELD SIZES:

1-4	40 X 60	YARDS
5-8	50 X 80	YARDS
9-22	80 X 110	YARDS
CHAMPIONSHIP	80 X 120	YARDS

HANDICAP ACCESSIBILITY IS PROVIDED THROUGHOUT THE COMPLEX AND THERE ARE BLEACHERS ON FIELDS 1-18

SITE PLAN

SEP 19 2002

CITY/LANCASTER
PLANNING DEPARTMENT

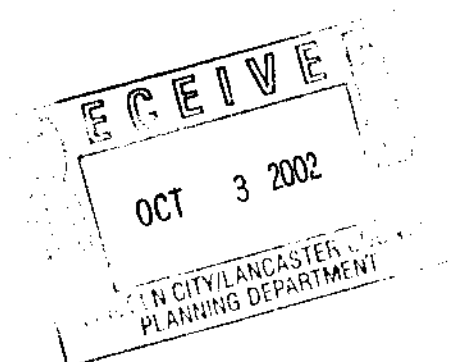
**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb	DATE: October 3, 2002
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Bruce Dart, Director EH File EH Administration	SUBJECT: Abbot Sports Complex CZ #3383 AG to I-1

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for change of zone #3383, AG to I-1 with the following noted:

- Considering the permitted uses within an I-1 zoning and the potential negative public health impacts, the LLCHD will not support or endorse the requested change of zone #3383.
- The LLCHD has been advised by the Planning Department that they will propose the H-2 Highway Business District as this zoning district would be more appropriate for the types of uses or activities that currently take place on the property.

However, the LLCHD has concerns regarding the permitted uses and permitted conditional uses allowed in the H-2 zoning district. Specifically, dry cleaning establishments, printing shops, mini-warehouses, service stations, automobile repair, warehouses, and vehicle body repair shops. The LLCHD requests the applicant provide a statement in writing indicating that the aforementioned uses will not be allowed on the area of application.



ITEM NO. 4.2: CHANGE OF ZONE NO. 3383
(p. 19 - Cont'd Public Hearing - 10/30/02)
PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT
Law Firm

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October 22, 2002

Michael V. DeKalb
City Planner
Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508

Re: *Change of Zone No. 3383*

Dear Mike:

This letter will follow up on my meeting with you on October 21 regarding the above matter. In our meeting we generally discussed and reviewed the concerns Mark Hunzeker and I had expressed regarding parking issues and your proposed split zoning solution. I believe you and I felt comfortable that no parking problems were being created for Abbott with your solution.

The next issue we discussed was my concern regarding the continued viability and applicability of Special Permit No. 1447 on that portion of the complex which will remain zoned AG. Assuming that there is a reasonable common sense application of the provisions in Special Permit No. 1447 as it interrelates with the split zoning jurisdiction, our client should be able to accept the proposed solution. However, it is our opinion that it is preferable and administratively quite simpler, if the entire site were put in a single zoning district. The City's concerns for retaining control over the back half of the site are unfounded in light of the current ownership and mission for this property. Nonetheless, our client accepts your solution and will leave this matter on the Planning Commission's Consent Agenda.

As I advised you during our conversation, neither Mark or I will be able to attend the Planning Commission hearing on this matter; however, Bill Blake in our office will be available should any issues arise. Thank you for your attention to this matter.

Sincerely,



Peter W. Katt
For the Firm

PWK:smm
cc: Rick Ihde
(G:\WPData\PK\Capital Sports Foundation DeKalb10-22.ltr.wpd)

